

APPROVED

CONSERVATION COMMISSION MEETING AUGUST 1, 2016

City Hall Auditorium
62 Friend Street
Amesbury, MA 01913
6:30 p.m.

Meeting called to order at 6:35 p.m.

Attendance: Steve Langlois, Adrienne Lennon, Alan Corey
Also John Lopez, Agent – Joan Baptiste, recording secretary and transcription.

Absent: Suzanne Egan, Kinsey Boehl

Minutes: None to review.

Administrative:

54 Birchmeadow Rd – tree removal after microburst

Gary Wright, 54 Birchmeadow Rd is present to explain why he was clearing trees and brush on his property located at 36 Birchmeadow Rear. Recent storm (microburst) caused destruction of trees on his property. Poles and wires came down and blocked the street. He has been cleaning up from the damage. A tree company (Cape Ann Tree) was hired and decided what was to be removed.

John Lopez recommended a silk sock to prevent erosion and runoff. He will also stabilize the site with plantings.

Briefing – Update on Status of Lake Attitash

Veronica Wolfe, 29 West Shore Drive, Merrimac. President of Lake Attitash Association. Provides update and is looking for support from Conservation Commission for a project they are contemplating. Since the 2012 weed management treatment resulted in milfoil and other invasive reduction. Will not treat now, as the City is drawing drinking water from Attitash. In 2017 we will do an early annual treatment around the shoreline. DPW Director Rob Desmarais will advise when to perform the treatment.

We have learned of a grant through the Massachusetts Dept. of Environmental Protection that will pay for a one-time alum treatment for Lake Attitash. Algae Blooms and cyanic bacteria (page 27) list options of treatments that can be used to treat for cyana bacteria in lakes.

Steve Langlois: Who will be applying for the grant?

Veronica Wolfe: Amesbury will receive the money. It's a massive treatment – a \$600,000 project. We have to come up with 40% match. The residents around the lake will have to be educated as to how to be sensitive to the water. 194 acres of the lake will be treated. We are looking for the Conservation Commission's support.

John Lopez: The conservation commission is precluded to act on anything until a notice of intent is submitted.

Veronica Wolfe: The grant deadline is April 1 2017.

John Lopez: I will try to come up with some verbiage for the September meeting.

Veronica Wolfe: Ken Wagner feels that the treatment will knock down algae blooms for 15 – 20 years.

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Enforcement Order – 31 Pleasant Valley Road (Stockwood)

Enforcement Order issued for the unauthorized paving of a driveway within a riverfront area. It required that the applicant submit a Notice of Intent.

NOI (002-1151) - 31 Pleasant Valley Road (Stockwood)

Notice of Intent pursuant to an enforcement order that was issued. For the removal of asphalt and replacement of same in the same location.

Motion by Alan Corey to lift the enforcement order at 31 Pleasant Valley Road. Second by Adrienne Lennon. AIF.

Motion by Alan Corey to close the public hearing and issue an Order of Conditions for 31 Pleasant Valley Road. Second by Adrienne Lennon. AIF

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Proposed Wireless Installation - 27 South Hunt Road (Klasnick)

John Lopez proposed installation on existing telecommunication site on South Hunt Road. Commission is to determine if the work is substantial or not. Town Counsel has reviewed and submitted a memo in its regard.

Daniel Klasnick representing Verizon Wireless: We provided the commission with a packet of materials that constituted a construction sequence, plans and existing site photos and a map. This is a substantial replacement of an existing facility. Metro PCS had previously been installed at this location. They decommissioned provide Verizon wireless with the opportunity to largely replace it. We will install antennas on the tower, cable will be run on the tower and a cable bridge will be installed which will allow the cable to be run to 6' x 8' concrete pad. All work to be done inside an existing fenced area.

John Lopez: What is the increase in impervious surface?

Daniel Klasnick: 6' x 8' or 48 square feet.

Adrienne Lennon made a site visit and feels comfortable to say this will not be a negative impact.

Motion by Alan Corey the commission does not define that addition of 48 square feet of impervious surface as substantial and as such grant the exemption pursuant to Amesbury Wetland's Regulation Section 4 and 310 CMR Section 2.10.02, Subsection 2a2. Second by Adrienne Lennon. AIF

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Certificate of Compliance - 2 Woodwell Circle (Keon)

John Lopez: An NOI was granted for the subdivision but the developer never bothered to submit a request for certificate of compliance. The applicant's attorney has submitted a copy of a letter from DEP saying that the lot next door was non-jurisdictional to a superseding order of conditions issued under the wetlands protection act.

Motion by Alan Corey to continue the request for Certificate of Compliance to allow office staff to clarify the DEP # and continue to the September 19th meeting. Second by Adrienne Lennon. AIF

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Continued Business:

NOI (002-1142) 78 Lake Attitash Road (Buscanera)

This is a notice of intent for a single family house. It has gone through considerable peer review by Mill River Consulting. The applicant has revised the planting plan.

RCoC (002-1127) 78 Lake Attitash Road (Buscanera)

This a request for Certificate of Compliance for 002-1127 which has an enforcement order attached to it.

Motion by Alan Corey to issue a certificate of compliance for DEP# 002-1127. Second by Adrienne Lennon. AIF

Motion by Alan Corey to lift enforcement order for 002-1127 on 78 Lake Attitash Road. Second by Adrienne Lennon. AIF

Mill River recommends approval of the project (002-1142) pursuant to the proposed site plans for assessors Map 59, Lot 8 dated 5.2.2016 revised 5.24.2016 and 6.20.2016 and the site plan entitled Buscanera Site 78 Lake Attitash Road, Amesbury, landscape plan dated 7.24.2016 revised 7.28.2016.

Motion to approve the NOI for DEP #002-1142 pursuant to the proposed site plans for assessors map 59, lot 8 dated 5.2.2016 revised 5.24.2016 and 6.20.2016 and the site plan entitled Buscanera Site 78 Lake Attitash Road, Amesbury, landscape plan dated 7.24.2016 revised 7.28.2016 and issue an Order of Conditions. Second by Adrienne Lennon. AIF

Motion by Adrienne Lennon to close the public hearing. Second by Alan Corey. AIF

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**NOI (002-1148)** 445 - 447 Main Street (Britton)

This is in reference to the installation of a dock as amended. Location of dock was moved from the original location pursuant to the harbor master's review. A site visit was conducted today (8/1/16) with Agent Lopez and DEP analyst. Outstanding issues concerning the bank, and planting plan. DEP is in position of topo cross section of the bank as well as the planting plan and they find no issue.

**Bill Decie** representing Britton Construction LLC. Spoke with Heidi (Davis) and she assured him that everything was in order. No removal of existing vegetation from the bank will be required to plant the additional plantings per plan.

A letter from Natural Heritage Endangered Species file number 16-35706, Division of Fisheries and Wildlife dated July 5, 2016. Mr. Decie has been appointed as the environmental monitor for the project.

**Motion by Adrienne Lennon to approve the NOI for DEP # 002-1148, 445-447 Main Street with plans dated July 11, 2016 with condition that the letter from Natural Heritage file # 16-35706 dated July 5, 2016 be included and that William Decie serve as the Environmental Monitor for the duration of the project. Second by Alan Corey. AIF**

**Motion by Adrienne Lennon to close the hearing for 445-447 Main Street, second by Alan Corey. AIF**

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NOI (002-1149) 58 West Greenwood Street (Alvarez)

The commission wanted the plans revised to scale and include a sunroom among other things. There was discussion re: and operations and maintenance plan for a small section of the back yard defined as a wet meadow. The applicant has revised the plans pursuant to the commission's request.

Patrick Seekamp, Seekamp Environmental representing the applicant. Property owner is also present (Fernando Alvarez). We have prepared and submitted a proposed conditions plan showing the 25, 35, and 50 foot buffer zone lines. Also shows the location of the proposed sunroom addition. Shows rain barrels to catch roof run off. Shows patio area with crushed stone and pavers. Submitted a construction sequence that details both control of construction debris during demolition of existing deck and control of materials being brought on site for the additions and garage reconstruction. As well as proposed landscaping. Submits photos for the commission's benefit of existing deck which is falling off the house. We will perform a rotational mowing of the wet meadow once a year in November when the ground starts to harden up when there is clearly no chance of migratory birds being affected.

Motion by Alan Corey to approve the NOI DEP # 002-1149 for 58 West Greenwood Street plans dated 7.25.2016 and issue an Order of Conditions to include the construction sequence, operations and maintenance mowing plan for the wet meadow. Second by Adrienne Lennon. AIF

Motion by Alan Corey to close the hearing. Second by Adrienne Lennon. AIF

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New Business:

NOI (002-1152) 14 Cedar Street (Rimmer)

This is in support of parking lot improvements in jurisdictional area including bordering vegetative wetland.

Mary Rimmer, Rimmer Environmental representing the applicant Barbara Lorenc. Also in attendance Thad Berry, ASP Designs.

Project is the redevelopment of an existing paved parking area which is in disrepair. Large soil pile remains on the site which is clean soil left behind that is to be used for re-grading. The site has poor drainage; improvements to drainage will be made.

John Lopez: The commission has received information from Tom Barrasso, Director of Energy & Environment – office of community and economic development for the city.

George Haight, 2 Pine Street directly abuts on rear of 14 Cedar Street parking area. We have discovered an expansion of the wetlands that were previously designated when they bought the house. We're happy about the proposed improvements. We hope that special attention will be given to the drainage issues. We had initially brought our concerns to the city in the spring of 2014 through emails with Rob Desmarais at the DPW. Our concern was that we had noticed a significant growth of vegetation that was encroaching on the back side of our property. (Presents photos to commission) the green line of the satellite photo was the pre-existing designated wetlands when we bought the house in 2006. The black line that you see is the rough estimate of where the wetlands have now been designated which is approximately 100 feet. Summer 2014, Mr. Desmarais scoped the drains that run from Market Street, down Cedar Street and we have emails reporting the condition he found in those drains. Late summer 2014 at the request of the con agent, Michael Seekamp of Seekamp Environmental came to look at

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the wetlands. He expressed that there were berms that had been built up on the 14 Cedar Street property. In November 2014 subject to a request of the con agent those berms were moved. Since they have moved, we've seen a slight improvement of the moisture content of that ground. At this point that land is still unusable. We're lost 15 to 20 feet of usable yard space in the back corner. It is now cat tails and mud and it is also the main reason why we had to spend the time and effort here last year with the commission for our own property.

The plans that were submitted referenced a phase one and phase two of the proposed project. Phase two abuts our property. We request that Phase one include the area that abuts our property so that any of the impact done on the area by the 14 Cedar Street building is not redirected back towards us.

Mary Rimmer: There is City drainage that comes underneath this parking lot from Pine St. and Market St. The culvert that discharges underneath this site (off microphone). We have no control over that city drainage. Surface grading, paving, and catch basins will accommodate the parking lot on site but not the city drainage coming under the site. The property owner has been in touch with the city about trying to make those improvements and corrections to the drainage system. It affects the property owner as well. There is a proposal to do this in two phases for financial reasons. *(off microphone)*.

Alan Corey: Are you introducing more drainage into the city system?

Mary Rimmer: No. It's all going there now.

John Lopez: The sediment pile that is proposed to be used for regarding, I've asked Mr. Barrasso to speak.

Thomas Barrasso, Director of Energy and Environment for the City of Amesbury: I was brought in on the project by Mr. Lopez. We toured the site in March. Ms. Lorenc is doing a good job rehabbing this Brownfield site turning a negative piece of property into an asset for the city. The only real question we had is the soil that we're talking about for regarding is actually soil that was contaminated and actually from the site. I've seen data in the DEP reports that are on line really focusing on organic volatile compounds in the soil so there is an SPE soil vapor extraction done by Higgins Environmental. It doesn't address any metals or other contaminations. If the sampling that he did in 2015 actually does that and we can see some data. The letter is good but if could see some data that supports this, it would answer some of our questions. The concern would be lead, arsenic, other metals that may have been pulled up during that excavation.

John Lopez: Would you explain to the commission the issue with not being able to remove the soil from site?

Tom Barrasso: Part of what HEA was getting at in some of the reports (RAM plan 2008) was that the soils were so heavily contaminated that it would be too costly to remove it from site. He actually treated the soils on site and part of it was already re-used.

John Lopez: We have aerial photos that are date stamped so we can see where the piles were moved.

Tom Barrasso: Photo from 2015 that shows a covered soil pile which is likely the soil pile that HEA has been working with. We would like to see the testing report from 2015. If there were no metal testing, it is within your purview to request it.

Susan McVale, 87 Market Street has concerns about privacy issues – house abuts 14 Cedar Street. (Mary Rimmer offers to speak to her after the meeting to explain)

Rebecca Gray, 87.5 Market St. There has been so much construction, concerned with noise level. The pile of dirt. Reconstruct parking lot. We don't know what's going on. How long will the project take?

(someone speaks off microphone).

Rebecca Gray: How will we be informed?

John Lopez: The applicant is legally required to inform you that a proposal has been submitted. As far as explaining it, that is what this meeting is about. If you would like you can submit additional questions that will be entered into the public record which the applicant can respond in writing. The con com usually requests a construction sequence which you can get from the office.

Rebecca Gray: What will the parking going to be used for?

(off microphone).

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Mary Rimmer: The parking lot will be used for the 14 Cedar Studios. As far as noise level, that is not under the purview of the con com.

John Lopez: A lot of these questions will be answered by the Planning Board.

Barbara Lorenc, 90 Prospect Street (owner of 14 Cedar St: I was required by the planning board to have 121 parking spaces. The main reason I'm doing this is to get drainage to address the water.

Alan Corey: We need peer review for this and possibly a site visit.

Adrienne Lennon: I would like to do a site visit.

Tom Barrasso asks **Mark (Rimmer)** to point out where the last grading was done with treated soil and where the proposed grading will be done.

John Lopez: Can you provide to the commission in writing what we should request from the applicant?

Tom Barrasso: Yes.

John Lopez: We will forward it to the applicant for a response and depend on you for guidance.

Mary Rimmer: DEP has reviewed it and had no comments.

Steve Langlois: With this proposed work will Mr. Haight see an improvement to his property.

Mary Rimmer: Not until the city improves the drain pipe that goes through the site. The surface grading will be towards the catch basins. We don't have any control over the water that comes from the upper portions of the watershed.

Thad Berry, ASB Design Group: The parking lot we're working with is down gradient and at a lower elevation. We're trying to re-grade the parking lot so that we create smaller drainage areas, installing new catch basins in order to collect the stormwater and bring it to the existing system. On this property I would not infiltrate because it is a Brownfield. The idea is to disburse as much of this soil on site as possible.

Alan Corey: To the pipe that is there is either broken and too small for the capacity. Can you work with the City to see if you can get this resolved.

Barbara Lorenc: If talked with Rob Desmarais, Cammett Engineering did a plan and they were going to spend \$500,000 to put in a large pipe but because I was doing the remediation at the time of the condos across the street the ended up spending the money elsewhere. There are plans for a 24" pipe and I'd like to get on that list.

George Haight: There was a comment that was coming down from Pine St and the neighboring areas was the natural runoff. My concern is if that surface if going to be raised even further then it's essentially going to recreate those berms that were there before pushing the water back on to our land again.

Thad Berry, ASB Design Group, professional engineer...the area where the wetland is here is elevation 33...and here is 32. It's a one foot drop of elevation. It may sound like a lot but it's pretty flat. The problem is when they graded this gravel parking lot there were areas that held water.

Steve Langlois: To answer this gentleman's question you're saying that even though you're raising the parking lot it's not you raising the parking lot that's going to cause him to have any more water. It's the fact that...things should stay the same as they are now.

Thad Berry: Yes, but there will be more catch basins.

Steve Langlois: So the problem is the city's stormwater is causing the problem of raised water.

Tom Barrasso: My understanding that all the soil that will be reused will be under pavement?

Thad Berry: Yes.

Steve Langlois: Do we want third party review?

John Lopez: And additional information on the contaminants.

Motion by Adrienne Lennon to request a third party review by Mill River, request additional information on the soil pile pursuant to Tom Barrasso's comments, the wetland boundary and continue to the September 19 meeting and schedule a site visit, second by Alan Corey. AIF

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NOI (002-xxxx) 79 Pleasant Valley Road (Lautman)

This is a proposal to remove existing asphalt and replace within the same footprint.

Dave Lautman, 79 Pleasant Valley Road driveway is falling apart (submits photos) would also like to repair wall (remove cap and replace). Submits proof of delivery to abutters.

Alan Corey: The property is in an area of minimal flooding (Zone X).

Motion by Alan Corey to request a plan with proposed activity and continue the hearing to September 19 at which time a DEP# will be issued. Second by Adrienne Lennon. AIF

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NOI (002-1153) 47 Merrimac Street (Buia)

Proposal for the demolition of a single family house and rebuild in general location.

Brian Buia, applicant 420 Middle Street West Newbury. The current owner is Philip Branconnier. Property is under agreement and we have permission to proceed as applicant on the project.

A small portion of the lot falls within 200 foot boundary of the Merrimac River. The current area within the riparian zone is 1,143 sf and we propose to alter 1,183 sf for an increase of 748 sf of which 300 feet will be for parking in front of the house and 448 feet will be a slight increase in building area. The remainder will be vegetated. Current use is a single family home and will remain as such.

Alan Corey: We have an existing plan, but we don't have a proposed. I would recommend that you do a proposed plan showing what you are going to do. We have filed with the ZBA. (Shows house plans).

John Lopez: What is the status of your plans with the Planning Board?

Brian Buia: Our public hearing with the ZBA is on August 26th for a Finding. We have not involved the Planning Board.

Steve Langlois: There will be a lot of disturbance of soils with knocking the house down and putting in a new foundation.

Adrienne Lennon: I think peer review is necessary especially with the addition of a driveway.

John Lopez: Is there a landscape plan? This will be sent to a third party consultant for peer review.

Alan Corey: they will review the proposed plan, landscaping, patio, etc.

Brian Buia: I don't see any reason for peer review. We are within performance standards.

Adrienne Lennon: Ideally you will have worked everything out through peer review before you come back to us.

John Lopez: Are you proposing to remove any trees?

Brian Buia: There are some leaning towards the house in the back.

John Lopez: That's the kind of detail you need to include. And think about root damage.

Brian Buia: Mostly overgrown with shrubs.

Motion by Adrienne Lennon to request proposed plan, have third party review (Bob Prokop) pursuant to the wetlands ordinance and the Massachusetts Wetlands Act and drainage and continue to September 19th meeting. Seconded by Alan Corey. AIF.

Motion by Alan Corey to adjourn meeting. Second by Adrienne Lennon. AIF 9:05 pm